

## **Remarks**

### **Amendments to the Claims**

Applicants note that claims 20-34 and 47-79 were canceled in a preliminary amendment to reduce the filing fee. However, the Office action does not acknowledge the cancellation of claims 20-34 and 47-79 in the preliminary amendment. Thus, prior to entry of this amendment, claims 1-19, 35-46 and 80-116 were pending. Claims 2-4 and 94-102 are canceled herein.

Claim 1 is amended herein to be directed solely to methods for the treatment of a human immunodeficiency virus (HIV) infection. Claim 35 is amended herein to correct an obvious typographical error.

New claims 117-131 are added herein. Support for new claims 117-131 can be found throughout the specification, for example on page 33, lines 9-15; page 55, line 25 to page 62, line 25; page 65, lines 21-29; page 82, line 28 to page 84, line 5.

Applicants expressly reserve the right to prosecute any deleted subject matter in one or more continuation or divisional applications.

After entry of this amendment, **Claims 1, 5-19, 35-46 and 80-93 and 103-131 are pending in the application.** Consideration of the pending claims is requested.

### **Examiner Interview**

Applicants thank Examiner Bowman and Examiner Angell for the helpful interview of March 22, 2007, wherein the restriction requirement was discussed. The election of a claim group, and the addition of claims directed to methods of inhibiting viral replication was discussed during this telephone interview.

### **Restriction Requirement**

The Office action alleges that the pending claims describe 134 different inventions or groups of inventions (I through CXXXIV) which are not so linked as to form a single general inventive concept under PCT Rule 13.2 because they lack the same or corresponding special technical feature. The Office action does not appear to acknowledge the preliminary

amendment, which canceled claims 20-34 and 47-79, as these claims are enumerated in the restriction requirement. For the Examiner's convenience, a copy of the preliminary amendment is enclosed. Entry of the preliminary amendment is respectfully request.

In response to the restriction requirement, Applicants provisionally elect, with traverse, the claims of Group XLVIII (claims 47, 48 and 52-62), directed to a method for the treatment of HIV comprising administering an inhibitor of a c-yes kinase, wherein the inhibitor is a small molecule inhibitor.

Applicants submit that Group XLVIII should include claim 1, 5 and 9-19. Claim 1 is directed to a "method for the treatment of ....a human immunodeficiency infection, comprising administration to a subject in need thereof, a therapeutically effective amount of an inhibitor of a src family kinase, whereby the....human immunodeficiency virus (HIV) infection is diminished relative to the non-treated subject." Claim 5 depends from claim 1, and recites that the src family kinase is c-yes. Claims 9-19 depend from claim 1, but are directed to specific small molecule inhibitors. Claims 1, 5 and 9-19 are currently included in Groups XI-XV. However, groups XI-XV are specified as being directed to methods for the treatment of a *Flavivirdae* infection, such as Hepatitis C Virus, West Nile Virus, Japanese encephalitis virus, yellow fever virus, and Dengue fever virus, respectfully. There is no corresponding claim group that includes claims 1, 5 and 9-29 as directed to methods for the treatment of HIV utilizing a small molecule inhibitor of a src family kinase, specifically c-yes. Thus, Applicants request that these claims be included in Group XLVIII.

A requirement for a response to a restriction requirement is the election of a single grouping of claims enumerated in the Office action for initial prosecution. Thus, the Applicants have elected Group XLVIII. However, in the unlikely event that it is determined that claims 1, 5 and 9-19, as directed to a method for treatment of HIV, comprising administering an inhibitor of a src family kinase, more specifically a c-yes kinase, wherein the inhibitor is a small molecule inhibitor are not included in Group XLVIII, but are included in a new Group of claims, then the Applicants respectfully request the opportunity to elect this new group of claims. In the unlikely event that claims 1, 5 and 9-19 are not classified in Group XLVIII, then the Examiner is respectfully requested to contact the undersigned for a telephone interview.

Applicants further request the claims of Group LXXX (claims 85, 89 and 93), drawn to a method for treating HIV using a small molecule inhibitor of c-yes, as exemplified by SEQ ID

NO: 9, be rejoined with the claims of Group XLVIII, drawn to a method for treating HIV using an inhibitor of c-yes, wherein the inhibitor is a small molecule. SEQ ID NO: 9 is an exemplary amino acid sequence of c-yes, as described in the specification on page 23, lines 11-14. Thus, Applicants believe that it would not be an undue burden on the Examiner to consider the claims of LXXX with the claims of XLVIII. The Applicants note that a search of the claims of Group LXXX would likely be commensurate in scope with the claims of Group XLVIII. In addition, although classifications were not provided in the Office action, Applicants believe that the claims of Group LXXX would be classified in the same class and subclass as the claims of Group LXVIII.

New claims 118-121 are added herein. These claims were discussed with the Examiners on March 22, 2007. These claims are directed to methods of inhibiting viral replication by using a c-yes inhibitor, wherein the inhibitor is a small molecule. It is disclosed in the specification that small molecule inhibitors of c-yes inhibit viral replication (see for example, page 55, line 25 to page 62, line 25; page 65, lines 21-29; page 82, line 28 to page 84, line 5). Thus, methods for treating a viral infection using a small molecule inhibitor of c-yes encompass methods for inhibiting viral replication using a small molecule inhibitor of c-yes. Thus, Applicants believe that the newly added claims should be included with the claims of Group LXXX. In the unlikely event that these claims are separately classified Applicants request the Examiner Bowman telephone the undersigned so that a telephonic election can be made.

The Office action further alleges that each type of inhibitory compound should also be considered separate inventions, as they do not share a common structural core. Applicants submit that each of these molecules has a common function, namely the inhibition of a *src* family kinase. Thus, it would not be an undue burden on the Examiner to search small molecules, antisense molecules, and siRNA that specifically inhibit a *src* family kinase such as c-yes in a single application.

**Conclusion**

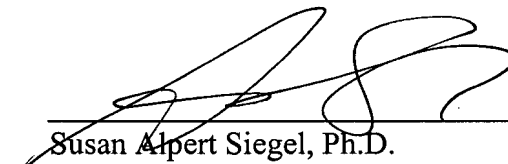
It is respectfully submitted that the amended claims submitted herewith should all be recombined and considered in the current case, and as such they are in a condition for substantive examination. If an additional restriction requirement is asserted, or if the present restriction requirement is maintained, the Examiner is formally requested to contact the undersigned prior to issuance of the next Office action, in order to arrange a telephonic interview. It is believed that a brief discussion of the merits of the present application may expedite prosecution. This request is being submitted under MPEP §713.01, which indicates that an interview may be arranged in advance by a written request.

Respectfully submitted,

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